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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/683,724

10/10/2003

Marc H. Segal

50500-148

1629

7590

12/20/2004

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EXAMINER

DINH, TRINH VO

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,724

Applicant(s)

SEGAN ET AL.

Examiner

Trinh Vo Dinh

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-36 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-27 is/are rejected.
- 7) ☒ Claim(s) 10-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray et al (USP 5,629,587).

With respect to claim 1 and 20, Gray discloses, in Figs. 1, 3, 11 and 16, a controller (42) for controlling the illumination of a plurality of decorative light strings (68.1-68.8) in a lighting display (Fig. 2) comprising a plurality of output ports (64.1-64.8), each being connected to a power plug of one of the decorative light strings of the lighting display, and a controller circuit (62) operatively connected to said plural output ports (64.1-64.8), for selectively providing operating power to the plural output ports for illuminating the light strings connectable to the output ports according to programmed patterns (abstract, col. 2, lines 1-12, col. 5, lines 52+) executed by the controller circuit (62).

With respect to claims 2-3, 19, 21-22, Gray further discloses two different patterns start and end synchronously and each of the output ports receives a different programmed pattern of operative power, and at least two of the power output ports are respectively provided with operating power according to different programmed patterns (col. 2, lines 1-12, col. 5, line 52 to col. 7 lines 39).

Art Unit: 2821

With respect to claims 4-9, and 23-27, Gray discloses a memory device (100, col. 4, lines 53-65) containing a plurality of patterns (col. 6, lines 42 to col. 7, line 13). Furthermore, Gray discloses the different programmed pattern being user selectable from the memory device (col. 6, lines 42-60) and a user input device (70, 106) comprising buttons (70) on said controller (42).

Allowable Subject Matter

3. Claims 10-18 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.
4. Claims 28-36 are presently allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

The cited art of record fails to teach a dusk detecting device having an output that changes in response to an amount of incident light and, means for turning on said controller circuit in response to said dusk detecting device as defined in claim 10, or said controller circuit comprises a plurality of power controllers selectively providing operating power to respective ones of the plural output ports according to a show which defines a pattern for each of said plural output ports and comprises said different programmed patterns as defined in claim 13, or said controller devices are connectable to an input AC voltage supply and each of said programmed patterns is timed relative to the frequency of the input AC voltage supply such that said plural controller devices are synchronized by the frequency of said input AC voltage supply as defined in claims 17 and 28.

Art Unit: 2821

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821. The examiner can normally be reached on Monday to Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art unit 2821



*Trinh Vo Dinh
December 10, 2004*